IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

WEDNESDAY, THE 24TH JANUARY 2007 / 4TH MAGHA 1928

WP(C).No. 2880 of 2007(P)

EP 58/05 IN OS 175/02 OF MUNSIFF COURT, KATTAPPANA

PETITIONER:

P.C.KRISHNANKUTTY, AGED 58 YEARS,
S/O. CHINNAKKUTTY, RESIDING AT PUTHENPURACKAL HOUSE, ASSANKADA, KAMBENMETTU, KARUNAPURAM VILLAGE UDUMBANCHAOLLA TALUK.

BY ADV. SRI.T.J.MICHAEL

RESPONDENTS:

ABRAHAM, S/O. CHACKO, AGED 75 YEARS,
KAROTTUMURIYIL HOUSE, ACHAKKADA, KAMBENMETTU, KARUNAPURAM VILLAGE, UDUMBANCHOLLA TALUK.

BY //

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C) .NO.2880 OF 2007

Dated 24th January 2007

J U D G M E N T

Petitioner is judgment debtor and respondent, decree holder in O.S.175/02 on the file of Munsiff court, Kattappana. Grievance of petitioner is that though he filed E.A.115/06 to set aside the sale under Rule 90 Order XXI of Code of Civil Procedure, executing court has not disposed the same and therefore execution proceedings is to be stayed. On hearing learned counsel appearing for petitioner, I do not find any necessity to exercise the extra ordinary jurisdiction of this court to grant an order of stay of execution proceedings. Munsiff court, Kattappana is directed to dispose E.A.115/06 as expeditiously as possible and at any rate, within 30 days from the date of receipt of copy of this judgment.

Writ petition is disposed accordingly.

M.SASIDHARAN NAMBIAR,
JUDGE.

uj.